EXHIBIT 7

GLOWACKI v. HOWELL PUBLIC SCHOOL DISTRICT, ET AL AARON MORAN

September 5, 2012

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens • Saginaw

	Page 9	and the state of t	Page 11
l	or a student came to the office and I was there	1	Q. Is there a set of criteria that
2	to deal with it, then I would deal with it.	2	you would judge a teacher on?
3	But it wasn't the main focus.	3	A. It's in the I don't recall
4	Q. Was there ever a situation where	4	offhand what they were, but there's a rubric
5	you would have the final say after speaking	5	or not a rubric but there's what was agreed
6	with the assistant principals in a disciplinary	6	upon in the contract.
7	matter with a student?	7	Q. And the contract between the
8	A. Sometimes things would get	8	school district and the
9	appealed to me. Then that would be my final	9	A. Teacher's association.
10	decision, too, in that process.	10	Q. The HEA, is it the Howell
11	Q. And did that ever happen with	11	A. Yes.
12	teachers as well?	12	Q. What else would you do to watch
13	A. Yes. Well, I'm trying to remember	13	over the teachers and make sure that they were
14	if there was discipline. With evaluations,	14	following school policies?
15	that was part of the grievance process is that	15	A. Communication.
16	I would be part of the grievance process. The	16	Q. And what do you mean by
17	building principal was part of that grievance	17	communication?
18	process, so that could be discipline or others.	18	A. Communication of expectations.
19	Q. I'm going to ask you about	19	Q. Would you have meetings or was
20	evaluations, just generally.	20	this done by e-mail?
21	A. Okay.	21	A. It could be both.
22	Q. Can you describe for me what you	22	Q. Were there certain trainings in
23	mean by evaluation? Is it a one-time	23	place before the school year began?
2.4	evaluation after something occurs or is it,	24	A. There previously had been
25	like, a yearly or a monthly evaluation?	25	trainings on various things.
anny producer and a graph of the latest and	Page 10	Andreas Andreas	Page 12
1	A. According to contracts, you have	1	Q. What kind of trainings?
2	to do evaluations, formal observations of	2	A. Making sure people staff knew
3	teachers. So that would be part of the	3	how to use the new grade book application, the
4	evaluation.	4	electronic grade book application, done various
. 5	Q. What exactly is involved in an	5	trainings.
6	evaluation?	6	Q. Was there ever trainings about
7	A. Formal observation of the	7	antibullying?
8	teacher's classroom for a minimum amount of	8	A. Yes.
9	time, dialogue, possible dialogue in regards to	9	Q. And if to the best of your
10	the observations.	10	recollection, when did the training occur?
11	Q. So you would go into the teacher's	11	A. It was a couple years ago, right
12	classroom. Was this known to the teacher or	12	around this time or maybe yeah, right around
13	not?	13	this time a couple years ago, sometime in
14	A. Yes.	14	probably August.
15	Q. And for how long would you stay in	15	Q. In August of 2010?
16	the teacher's classroom?	16	A. 2010, yes.
17	A. For the formal observations, it	17	Q. And who gave the presentation on
18	had to be a minimum of thirty-five minutes.	18	antibullying?
19	Q. And what would you do in	19	A. Dr. McEvoy.
- 20	evaluating the teacher, just observe them	20	Q. Were you present at the
21	and	21	presentation?
22	A. Observation of the classroom.	22	A. Yes.
23	Q. What would you look for?	23	Q. And what was discussed?
24	A. Student engagement, focus of the	24	A. Basically, to address issues of
25	lesson.	25	bullying and how to do those things.

1 Q. And what do you mean by how to 2 address an issue of bullying, if you can give 3 me an example? 4 A. If you see something, address it. 1 that in my ground rules. If we not picked the interpretation of the interpreta	
2 address an issue of bullying, if you can give 2 uh-huh or huh-uh, it's not picked 3 me an example? 2 uh-huh or huh-uh, it's not picked 3 court reporter. You actually have	
3 me an example? 3 court reporter. You actually have	d up by the
1 4 A. If you see something, address it. 4 or no, which is	The see say yes
5 It doesn't have to mean that you are going to 5 A. Not a problem.	1
6 write up a discipline referral. Maybe it's two 6 Q a habit that I have as	s well
7 kids you are not sure what you know, what 7 MR. HENLEY: It also	
8 it is, but address it and find out what it is. 8 reporters to distraction.	dives the court
9 You know, hey, that's not how we act here at 9 BY MS. MERSINO:	
10 Howell High School, so they know that that 10 Q. I'm sorry, I didn't mean	n to put
	ii to pat
Q. Who was present at the training, 13 Q. So this training occurred to the straining occurred to	
14 was it geared 14 August of 2010, and then a coup	
15 A. The high school staff. 15 by in the school year. And then	
Q. So teachers and administration of 16 October 20th of 2010. Do you	recall this date?
17 Howell High School? 17 A. Yes.	
18 A. Yes. 18 Q. And what is your reco	
Q. And who were called upon to 19 this date in regards to Mr. McD	
20 address the bullying, the teachers and 20 A. Just that there was a pl	
21 administrators? 21 to me by the superintendent tha	
A. Well, that's what it was that's 22 see Jen Goodwin over at his off	
23 who the audience was, so that's who they 23 assistant principal at the high so	chool, about
24 were that was one part of it. 24 some issue.	Į.
Q. So a teacher is supposed to 25 Q. When did the phone can	all from the
Page 14	Page 16
1 reprimand a student if they see behavior that 1 superintendent occur?	₹
2 they consider to be antibullying [sic]? 2 A. It was after school, I'm	n guessing
3 A. That they consider to be bullying. 3 around 4:00 o'clock.	
4 Q. Or, I'm sorry, bullying, you are 4 Q. Was this the first time	that you
5 correct. 5 heard anything about this?	· .
6 A. Yeah. 6 A. I don't recall.	
7 Q. And that was what the training was 7 Q. Do you remember if ar	nyone came to
8 teaching? 8 you prior to 4 p.m. that day to ta	alk about
9 A. Going about how to address it. 9 Mr. McDowell and what happer	
10 Q. And address it directly? 10 classroom?	
11 A. Directly. 11 A. I don't recall.	
12 Q. And immediately upon seeing the 12 Q. So what happens when	n you received
13 bullying activity? 13 this phone call from the supering	
14 A. (Nods head up and down.) 14 A. I contact Ms. Goodwir	
Q. I'm sorry, it has to be a verbal 15 to come over to the superintended	
16 answer. 16 Q. Do you go with her?	
A. I guess I'm not sure what you 17 A. No, I wasn't with her.	
18 Q. Oh, I saw you nodding. If you 18 Q. Did you speak with Me	s. Goodwin
19 could answer the question with a yes or a no? 19 about why you received the pho	
20 A. Could you repeat the question for 20 A. I believe I told her abo	
21 me then? 21 something that happened in Mr.	1
22 Q. To address the bullying 22 class.	
23 immediately upon seeing it occur? 23 Q. And did she say anythi	ing to you?
24 A. Correct. 24 A. I don't recall.	
25 Q. I'm sorry, I should have covered 25 Q. Were you curious why	v the

	Page 45		Page 47
1 y	you violated your student's First Amendment	1	made me aware of what the settlement was, that
2 r	right of speech.	2	this was going to be placed in the file, this
3	Q. And why was that asked of	3	is what's going to replace it. I said okay.
4 N	Mr. McDowell?	4	 Q. Do you agree and accept as your
5	A. Because somebody thought it was	5	own the statements in Exhibit 18?
6 i	mportant to ask.	6	A. Yeah.
7	Q. Did you think that it was	7	Q. So when it says you are receiving
8 i	important to ask?	8	a written reprimand after an investigation into
9	A. I don't know. I don't recall.	9	an incident that occurred in your classroom
10	Q. Now, you said that you didn't	10	substantiated that you displayed a serious lack
11 t	hink that Mr. McDowell handled the situation	11	of professionalism when you slammed your door,
12 v	well. What do you mean by that?	12	raised your voice, and attempted to discipline
13	MS. BARTOS: Objection. I think the	13	students for their beliefs.
14 v	word was appropriate.	14	Is that a correct statement that
15	THE WITNESS: I just felt that it	15	you adopt?
16 (didn't wasn't handled appropriately.	16	A. Uh-huh.
17 I	BY MS. MERSINO:	17	Q. I'm sorry, is that a yes?
18	Q. In what manner wasn't it handled	18	A. Yes, I'm sorry.
19 a	appropriately, in the way that the student,	19	Q. And would you agree then with the
20 I	Daniel Glowacki, was thrown out of class?	20	second paragraph as well, further, you
21	A. Well, the manner it was handled	21	disregarded a student's constitutionally
22 f	from the beginning to the end. Asking the	22	protected rights to self expression to wear a
	student I think in Mr. McDowell's statement,	23	belt buckle which you found personally
24 1	he asked the student his opinion. He asked it	24	objectionable, notwithstanding the fact that
25 8	again. He didn't like the answer.	25	there was no disruption to the class as a
	Page 46		Page 48
1	Well, that doesn't make it okay to	1	result of the student's apparel?
2 1	kick him out of class because he doesn't agree	2	MR. HENLEY: Objection to the extent
3 1	with you. I don't know about the	3	it calls for a legal conclusion.
4 (Constitution you know, his Constitutional	4	BY MS. MERSINO:
5 1	law rights, things like that.	5	Q. Would you adopt that statement as
6	Q. So by that statement, do you	6	your own? Do you agree with it?
7 1	mean you are not an attorney, correct?	7	A. Yes.
8	A. Correct.	8	Q. And the next sentence, in
9	Q. But in your experience and what	9	addition, you loudly and angrily dismissed
	you learned in your two master's degrees and	10	another student from the class for expressing
	what you know about administrating in a high	11	an opinion which you deemed intolerant and
	school, that was inappropriate behavior to	12	unacceptable in action which may have violated
	punish a student for stating his opinion in	13	the student's right to free speech?
	class?	14	MR. HENLEY: Objection to the extent
15	A. It was inappropriate to do that.	15	it calls for a legal conclusion.
16	Q. Now, Exhibit 27, this is something	16	THE WITNESS: Yes.
	that you authored; is that correct? It says to	17	BY MS. MERSINO:
I	Johnson McDowell from Aaron Moran?	18	Q. That's a statement that you would
19	A. No, this was something that I was	19	adopt as your own?
ł	aware of this could be placed in his file.	20	A. Uh-huh.
21	Q. You didn't, yourself, write this?	21	Q. Going back to the 20th, do you
22	A. No.	22	remember very early in that morning receiving
23	Q. Do you know who would have written	23	an e-mail from the superintendent, Ron Wilson,
1	it?	24	in regard to an antibullying or Gay-Straight
25	A. The HR at the time authored it and	25	Alliance day?

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1	A. Not a Gay-Straight Alliance day.	1	flyer. I don't know.
2	(Thereupon, Plaintiffs' Exhibit	2	Q. And when you say GSA, what is GSA?
3	No. 25, one-page series of e-mails, was marked for	3	A. Gay-Straight Alliance.
4	purposes of identification.)	4	Q. And is that a club that's a
5	BY MS. MERSINO:	5	student club at Howell High School?
6	Q. I'll hand you what's been marked	6	A. Correct.
7	as Plaintiff's Exhibit 25, if you could review	7	Q. And how does it work? Is there,
8	the e-mail, the top e-mail on that page.	8	like, a person who is a leader in the club who
9	A. It's not a Gay-Straight Alliance	9	will come to the office with a flyer for
10	day.	10	approval or
11	Q. Is that an e-mail that you wrote?	11	A. Uh-huh, correct.
12	A. Yes.	12	Q. And do you remember was there,
13	Q. And who did you send the e-mail	13	like, an officer of the GSA at Howell who came
14	to?	14	to the office?
15	A. Superintendent Ron Wilson.	15	A. The group had dropped off flyers
16	Q. And had the superintendent	16	to know if it would be okay to put up.
17	inquired if there was some sort of special day	17	Q. And what exactly was the flyer?
18	going on at the high school on October 20th of	18	A. Stop homophobia maybe, or I I
19	2010?	19	don't know. I don't recall.
20	A. No, no special day.	20	Q. Did the flyer specify that there
21	Q. Did he inquire if there were a	21	was a special day on the 20th of October of
22	special day going on?	22	2010?
23	A. Yeah. He asked I have had	23	A. I don't recall.
24	several or well, I don't know how this is	24	Q. Was there any sort of discussion
25	printed off. It doesn't appear out of context.	25	about people wearing purple on that day?
	Page 50		Page 52
1	Q. I'm just specifically asking about	1	A. I think that might have been on
2	your e-mail.	2	the flyer, but I'm not a hundred percent
3	A. Today is an antibullying day.	3	positive.
4	Wear purple using this to stop homophobia. If	4	Q. To wear purple. And do you know
5	I hear of anything, I'll let you know.	5	if the day had, like, a special name? Was it
6	Q. Okay. So which day was the	6	antibullying day?
7	antibullying day?	7	A. Not off the top of my head, I
8	A. There was a national antibullying	8	don't recall.
9	day on the 20th.	9	Q. Who is involved in the GSA? Is
10	Q. The 20th of October?	10	there a teacher involved as well or just
11	A. October.	11	students?
12	Q. And who was involved in the	12	A. To have a student club you have to
13	antibullying day?	13	have an adult mentor, you know, an adult
14	A. A lot of people. I don't know. I	14	advisor. So we had a staff advisor.
1.5	mean, it was a national piece.	15	Q. Who was the staff advisor for the
16	Q. A nationally sponsored	16	GSA, if you recall?
17	A. Yeah. I heard on the radio,	17	A. I believe it was Laura Stark.
18	again, different places were doing it. One	18	Q. And what role would the staff
19	place got their colors wrong on it on the	20	advisor have?
20	radio. But it was supposed to be a national	21	A. She would be at meetings basically
21	I mean, a national antibullying day.	22	as a advisors are there just to supervise students.
22 23	Q. Did you hear about it then on the radio? Did you hear a buzz about it at school?	23	Q. Did you notice on the 20th of
24	A. I mean, I had seen a flyer, and I	24	October people wearing purple T-shirts?
25	approved it, to not be homophobic for the GSA	25	A. No.
25	approved it, to not be nomophobic for the GSA		ri. INU.

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1	Q. Did you hear at any time before	1	Q. Was there, like, a stack of flyers
2	this or after that there were T-shirts made	2	that were approved?
3	that were purple that said Tyler's Army on	3	A. The flyers were approved. I don't
4	them?	4	know how many. I don't know how many there
5	A. Yes, afterwards.	5	were.
6	Q. After. And do you know who was	6	Q. And once a flyer is approved to
7	involved in the making of those T-shirts and	7	advertise for a student event, then you said it
8	A. I believe it was Wendy Hiller	8	can be placed on different walls throughout the
9	was the person. It was a teacher.	9	school?
10	Q. And do you know, is she still	10	A. Correct.
11	employed with Howell?	11	Q. And the flyer for the GSA with the
12	A. I believe so.	12	antibullying day was placed throughout the
13	Q. And in addition to making	13	school?
i		14	A. I believe so.
14	T-shirts, did you know of individuals who wore		
15	the T-shirts on the 20th of October of 2010?	15	Q. And it's approved with is it a
16	A. Afterwards.	16	stamp or
17	Q. And who did it come to your	17	A. Correct.
18	attention was wearing the T-shirts?	18	Q. Was there any activities that you
19	A. The only one I know is	19	knew about scheduled for this day?
20	Mr. McDowell, but I believe there were others.	20	A. None that I'm aware of. Like
21	Q. Were there students who were	21	within the school?
22	wearing the T-shirts as well?	22	Q. With the GSA.
23	A. I do not know.	23	A. No.
24	Q. And how many students would you	24	Q. So it was advertising for an
25	say are in the GSA, approximately?	25	antibullying day, wear purple?
	Page 54		Page 56
1	A. How many were there in there at	1	A. Yeah. It may have had I don't
2	the time?	2	know, but it may have had their next meeting
3	Q. Yeah.	3	date on it, too. I don't know. I don't
4	A. Twenty maybe, fifteen.	4	recall.
5	Q. And would the GSA have a specific	- 5	Q. Did you receive any other contacts
6	bulletin board dedicated to them or is there,	6	from anyone prior to this happening in
7	like, a board for just student group	7	Mr. McDowell's class involving the antibullying
8	announcements?	8	day?
9	A. No, they don't have a specific	9	A. Not that I recall.
10	board. What are you asking?	10	Q. Does the school district have a
11	Q. Where would the flyer go after it	11	certain policy regarding controversial issues?
12	was approved?	12	A. Yes.
13	A. They would put it up in areas of	13	Q. And do you remember, was there
14	the school where it would be noticed on walls	14	ever any discussion about whether or not there
15	that were not, you know that are not not	15	should be a notice sent home to parents
16	putting on top of something, but they put it on	16	regarding the purple T-shirt day, the
17	walls throughout the school, areas throughout	17	antibullying day?
18	the school.	18	A. No.
19	Q. Do you remember how many flyers	19	Q. Did Mr. McDowell ever ask for
20	were approved?	20	permission to discuss teen suicide and
21	A. No.	21	specifically issues with homosexual teenagers
22	Q. More than one?	22	committing suicide and discussing this in class
1	· ·	23	
23	A. More than one.	1	prior to October 20th?
24	Q. Less than twenty?A. I don't know.	24	A. Not that I'm aware of.Q. Would you consider such a topic to
25			

1 Q. And, again, he never came to you 2 prior to this? 3 A. Not that I remember, not that I'm 4 aware of. 5 Q. Are you familiar with the school 6 district's policy regarding religious 7 expression in the district? 8 A. It's been awhile since I've 9 reviewed it. 10 Q. Are you familiar that school 11 officials are called upon to intercede to stop 12 students' speech that constitutes harassment 13 aimed at a student group or a group of 14 students? 15 A. Uh-huh. 16 Q. And is that a policy in place back 17 in 2010 in Howell? 18 A. I believe so. 19 Q. Now, going back to the 20 investigation, on the 25th of October, it was 21 deemed that Mr. McDowell should be reprimanded 22 for how he handled the situation with Daniel 23 McDowell [sic]. At some point, did you become 10 Just heard it from the superintendent, 2 possibly. 3 Q. So the superintendent discovered 4 that Mr. McDowell was posting information about 4 what happened with Daniel 10 what happened with Daniel 21 deal with Orgonia with Alphanel 22 possibly. 3 Q. So the superintendent discovered 4 that Mr. McDowell was posting information about 4 what happened with Daniel 2 possibly. 3 Q. So the superintendent discovered 4 that Mr. McDowell was posting information about 4 what happened with Daniel 2 possibly. 4 that Mr. McDowell isic possibly. 4 that Mr. McDowell was posting information about 4 that Mr. McDowell was posting information about 4 that Mr. McDowell was posting information about 4 that Mr. McDowell as posting information abo		Page 57	notaes au de l'entre d	Page 59
under the policy's terms? MS. MERSINO: Both. THE WITNESS: It depends what you are - what you are discussing. It depends what class you are in. If you are talking a health class, suicide and things like that, I don't think that would be controversial. I think it would be part of your curriculum. BY MS. MERSINO: Q. In an economics class, do you believe that such a topic would be corroversial? A. Yes. Q. Do you think parents of the students should have been contacted prior to MR. HENLEY: Again, is this under classroom? MR. HENLEY: Again, is this under policy or is this otherwise, just generally? MR. MERSINO: Both. THE WITNESS: My advice would be not to address it. D. A. A. O. A. A. O. A. A. Is been awhile since I've reviewed it. Q. Are you familiar with the school district's policy regarding religious experiession in the district? A. It she been awhile since I've reviewed it. Q. And, ugain, he never came to soon officials are called upon to intercede to stop officials are called upon to interced to stop investigation, on the 25th of October, it was deemed that Mr. McDowell fisic, I. At some point, idd you become farmiliar aimed at a student group or a group of students? A. Is been awhile since I've reviewed it in 2010 in Howell? A. Libelieve so. M. HENLEY: Again, is this under 20 policy or is this otherwise, just generally? Page 58 1 Q. And, again, he never came to you prior to this? A. Is been awhile since I've reviewed it. Q. Are you familiar with the school district? A. Is been awhile since I've reviewed it. Q. And is that a policy in place back in 2010 in Howell? A. Ibelieve so. Q. Now, going back to the investigation, on the 23th of October, it was deemed that Mr. McDowell fisic, It At some point, did you become familiar with tide of the school, and that's the only thing I used the policy in place back in 2010 in Howell? A. Is deemed that Mr. McDowell size, It A student group or a group of stop of the school, and that's the only thing I used the policy in place back in 2010 in Howell?	1	be a controversial issue?	1	Q. We had gone through now to the
under the policy's terms? MS. MERSINO: Both. THE WITNESS: It depends what you are what you are discussing. It depends what class you are in. If you are talking a health class, suicide and fitnigs like that, I don't think that would be centroversial. I think it would be part of your curriculum. BY MS. MERSINO: Q. In an economics class, do you believe that such a topic would be controversial? A. Yes. Q. Do you think parents of the students should have been contacted prior to Mr. Mr. McDowell bridging such a topic in his classroom? MR. HENLEY: Again, is this under policy or is this otherwise, just generally? MR. HENLEY: Again, is this under policy or is this otherwise, just generally? MS. MERSINO: BY MS. MERSINO: D. And, again, he never came to you prior to this? A. Not that I remember, not that I'm aware of. Q. Are you familiar with the school district's policy regarding religious experience of district's policy regarding religious experience of the school, and that she policy in place back in 2010 in Howell? A. Uh-huh. Q. And, sgoing back to the investigation, on the 25th of October, it was decided that Mr. McDowell fisiel, At Stone point, idd (apu become familiar with that on the classroom on the 20th of October. A. With Daniel Glowackis? A. With Daniel Plowachis; was decided that Mr. McDowell fisiel, At Albelieve so. 15	2	MR. HENLEY: As just in general or	2	
MS. MERSINO: Both. THE WITNESS: It depends what you are — what you are discussing. It depends what class you are in. If you are talking a health class you are in. If you are talking a health class you are in. If you are talking a health class you are in. If you are talking a health class you are in. If you are talking a health class you are in. If you are talking a health that would be controversial. I think it would be part of your curriculum. BY MS. MERSINO: Q. In an economics class, do you 12 Q. Do you think parents of the controversial? 14 A. Yes. Q. Do you think parents of the students should have been contacted prior to Mr. McDowell bridging such a topic in his classroom? MR. HENLEY: Again, is this under yolion or is this otherwise, just generally? MS. MERSINO: MS. MERSINO: MR. HENLEY: Again, is this under yolion or is this otherwise, just generally? MS. MERSINO: MS.	3		3	A. Correct.
5 THE WITNESS: It depends what you are what you are discussing. It depends what 7 class you are in. If you are talking a health 8 class, suicide and things like that, I don't think 9 that would be controversial. I think it would be 10 part of your curriculum. 10 MeDowell. 11 MeDowell. 12 O, In an economics class, do you 12 ool 12 O, In an economics class, do you 14 believe that such a topic would be 13 ool 14 controversial? 14 controversial? 15 A. Yes. 16 O, Do you think parents of the 17 students should have been contacted prior to 18 Mr. McDowell bridging such a topic in his 19 classroom? 19 policy or is this otherwise, just generally? 19 policy or is this otherwise, itself generally?	4		4	O. And on that day, it was decided
6 are — what you are discussing. It depends what 7 class, you are in. If you are talking a health 8 class, suicide and things like that, I don't think 9 that would be controversial. I think it would be 10 part of your curriculum. 11 BY MS. MERSINO: 12 Q. In an economics class, do you 12 Q. In an economics class, do you 13 believe that such a topic would be 14 controversial? 15 A. Yes. 16 Q. Do you think parents of the 17 students should have been contacted prior to 18 Mr. McDowell bridging such a topic in his 19 classroom? 20 MR. HENLEY: Again, is this under 21 policy or is this otherwise, just generally? 21 MS. MERSINO: 22 MS. MERSINO: 23 THE WITNESS: My advice would be not 24 to address it. 25 BY MS. MERSINO: 26 A. Not that I remember, not that I'm 27 aware of. 28 A. It sheen awhile since I've 29 reviewed it. 20 Q. Are you familiar with the school 21 officials are called upon to intercede to stop 22 sudents' speech that constitutes harassment 23 attacents? 24 A. Uh than. 25 A. With Daniel Glowacki? 26 Q. Oh, I'm sorry if I did. 27 MR. HENLEY: And I just have an objection as to mischaracterizing former 28 testimony. I think the record reflects he was initially suspended for one day rather than being reprimanded. 26 I with that on there — 27 BY MS. MERSINO: 29 Page 58 Page 58 Page 58 Page 58 Page 58 Page 60 A. Not that I remember, not that I'm 29 when the district? 20 A. Yes. 21 Just heard it from the superintendent, possibly. 22 McDeviewed it. 23 A. I don't know, I think I might have 24 I dead with or go look around at. So I used one for that Mr. McDowell should be reprimanded for how he haarded in the classroom on the 2blow he had be a view of the school, and that's the only thing I used a facebook page was ever recived by you? 24 I deemed that Mr. McDowell should be reprimanded for how he haarded in the classroom on the 2blow he had be a view of the controversial. 25 BY MS. MERSINO: 26 A. Yes. 27 A. Yes. 28 A. I don't know, I think I'm the bear and head with a page of the controversial that the class	5		5	
class you are in. If you are talking a health class, suicide and things like that, I don't think that would be controversial. I think it would be part of your curriculum. 10	6		6	
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23 McDowell [sic]. At some point, did you become 23 A Facebook page.	f			
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24 Q. What did the school do after	24		24	Q. What did the school do after
25 A. Could you say that again? 25 learning this information?				

	Page 61		Page 63
1	A. I don't know.	1	Mr. Wilson wanted to follow up on it.
2	Q. Did you ever talk to Mr. McDowell	2	Q. And it's an e-mail. It looks like
3	about it?	3	it's describing a phone call you had at 6:31
4	A. No.	4	p.m.
5	Q. Do you remember receiving a phone	5	A. Uh-huh.
6	call from Mrs. Glowacki? This would be on	6	Q. You followed up almost immediately
7	November 1st.	7	after at 7:35 p.m. on November 1st; is that
8	A. I received a few phone calls from	8	right?
9	her.	9	A. Yeah.
10	Q. Do you remember when Mrs. Glowacki	10	Q. And would this be right after you
11	called you at approximately 6:31 p.m. on	11	received the phone call from Mrs. Glowacki?
12	November 1st, and she was very upset?	12	A. Yeah yes.
13	A. Yeah, I said I don't recall the	13	Q. And this was correct as to your
14	specific time or date, I just know I had a few	14	memory of what occurred during that phone call?
15	conversations with her on the phone where she	15	A. Yes.
16	would call me.	16	Q. And you said that Daniel was taken
17	Q. And what happened during those	17	out of Mr. McDowell's class, correct?
18	phone conversations?	18	A. Correct.
19	A. She was unhappy the way her son	19	Q. Was that prior to November 1st?
20	was being portrayed.	20	A. Yes.
21	Q. And in what manner? What was she	21	Q. And can you describe how he was
22	referring to with her son being portrayed in a	22	taken out, why he was taken out?
23	certain way?	23	A. I believe the mother made a
24	A. Being portrayed in the media.	24	request, and we honored the request to move him
25	Q. And the school didn't go to the	25	to a different teacher.
	Page 62		Page 64
1	media, correct?	1	Q. And do you know why the request
2	A. I didn't go to the media. I don't	2	was made? Was there ever any statement by
3	know what others did or didn't do. I didn't go	3	Mrs. Glowacki?
4	to the media.	4	A. I believe there's a statement
5	Q. Do you remember Mrs. McDowell	5	somewhere requesting it, and we did.
6	[sic] ever making statements about how Mr	6	Q. And why did you honor the request
7	or I'm sorry. Do you remember Mrs. Glowacki	7	of Mrs. Glowacki?
8	ever making statements about how Mr. McDowell	8	A. That was the best interest of
9	was treating her son after the incident?	9	everyone, to honor the request.
10	A. No, I don't recall because we	10	Q. So Daniel Glowacki didn't have to
11	removed them from class. So I don't think they	11	go back into the classroom?
12	had I'm not aware of any other interactions,	12	A. Correct.
13	but	13	Q. Now, after the initial
14	(Thereupon, Plaintiffs' Exhibit	14	investigation meeting, was there a second
15	No. 28, one-page statement entitled Incident on	15	meeting that occurred?
16	10/20/10, by Jay McDowell, was marked for purposes	16	A. I don't know.
17	of identification.)	17	Q. Do you remember if there were
18	BY MS. MERSINO:	18	follow-up questions that you were asked to
19	Q. I'm handing you Exhibit 28. Do	19	voice to Mr. McDowell?
20	you recognize this?	20	A. Yeah. I don't know the time
21	A. Okay.	21	frame, but I was asked to follow up on it.
22	Q. Do you recognize Exhibit 28?	22	Q. Would it help to refresh your
23	A. Yeah.		recollection to review an e-mail?
24 25	Q. And how do you recognize it?A. It's an e-mail that followed up	24	A. Yeah.
1 4.0	A. It's an e-man mai ionowed up	25	Q. After reviewing this, is your

	Page 69		Page 71
1	A. Yes.	1	Q. So were you privy to any of the
2	Q. Does the syllabus have to be	2	meetings where Mr. McDowell was challenging the
3	approved by the principal or an administrator	3	reprimand and the one day without pay?
4	before it's passed out to the class?	4	A. I was at the initial piece in
5	A. They are all turned in to me or	5	November, but I don't know about I don't
6	administration before or the beginning of the	6	know what else besides the end when I was aware
7	year.	7	that a settlement had been reached and a
8	Q. And then you would review the	8	written reprimand.
9	syllabus and approve its use?	9	Q. Were you ever contacted if you
10	A. Uh-huh.	10	agreed with the settlement?
11	Q. And you did that with	11	A. I don't believe so.
12	Mr. McDowell's syllabus?	12	Q. And were you aware that the
13	A. He handed it in or e-mailed it to	13	October 25th reprimand and one day unpaid
14	me, and I reviewed it.	14	suspension are now removed from Mr. McDowell's
15	Q. What do you remember about the	15	personnel file?
16	class rules about homophobia in Mr. McDowell's	16	A. Yes.
17	class?	17	Q. I'm handing you what's already
18	A. I don't remember anything specific	18	been admitted as Exhibit 13. Is that the
19	about that. I remember about racism racism,	19	reprimand that you were talking about earlier?
20	bigotry, things like that would not be	20	A. Correct.
21	tolerated, which is one of our school code of	21	Q. And was that issued on the 25th
22	conducts as well.	22	of
23	Q. Do you remember anything about	23	A. Yes.
24	respecting a person's religion in	24	Q October of 2010?
25	Mr. McDowell's class rules?	25	A. Correct.
	Page 70	MANAGE ORGANIZATION METHOD	Page 72
1	A. No.	1	Q. And it says that that memo is to
2	Q. Would it help to review? I'm	2	Mr. McDowell from yourself?
3	handing you Exhibit 15.	3	A. And Sandra Moore.
4	MS. BARTOS: Off the record.	4	Q. Were you one of the people who
5	(Thereupon, an off-the-record	5	wrote this reprimand with Sandra Moore?
6	discussion was had.)	6	A. I was the I viewed it.
7	BY MS. MERSINO:	7	Q. Do you approve what's in the
8	Q. After reviewing Exhibit 15, does	8	reprimand on October 25th, 2010, Exhibit 13?
9	it refresh your memory?	9	A. Yeah yes.
10	A. I don't recall anything about	10	Q. If you want an opportunity to
11	freedom of religion in there. I didn't see it.	11	review the statements again do you adopt and
12	Q. And you are aware that some	12	agree with the statements in Exhibit 13?
13	religions have views that the correct	13	A. Yes.
14	orientation, I guess, of sex would be for a man	14	Q. And I think we discussed this. Do
15	to be with a female?	15	you remember receiving anything that was
16	A. Yes.	16	pertaining to Mr. McDowell's Facebook, like a
17	Q. And that some religions disapprove	17	statement that he wrote out on Facebook?
18	of the act of homosexual relations?	18	A. I don't know. I don't recall.
19	A. Yes.	19	Q. Do you remember receiving this
20	Q. Are you familiar with the Catholic	20	(indicating) via e-mail?
21	religion holding that view?	21	A. No.
22	A. Yes.	22	Q. So it could have been just
23	Q. Were you part of the settlement	23	verbally that you found out about Mr. McDowell
24	process?	24	posting items?
25	A. No.	25	A. Yeah, I don't — that looks like a

	Page 73		Page 75
1]	Facebook piece. I don't know.	1	Q. And what exactly was her role in
2	Q. Now, after everything occurred on	2	giving a presentation to the students? When
3 1	the 20th of October of 2010, who decided to	3	did it occur?
	have Dr. Marcia McEvoy come back to the school	4	A. Ways they could help combat
	to teach about antibullying?	. 5	bullying.
6	A. That was decided a long time ago.	6	Q. Was this during school hours?
7	Q. So that was in place prior to this	7	A. Yes.
8	event happening?	8	Q. And was it, like, a school-wide
9	A. Correct.	9.	assembly? Was it, like, a private meeting?
10	Q. Were you aware of the event that	10	A. I would say it was classified more
11	occurred on February 1st of 2011 in the	11	school-wide. We don't have a place that holds
12	auditorium about antibullying?	12	everybody together. So we had different groups
13	A. If I recall correctly, it never	13	of students coming in, their English classes or
ł .	occurred on the it didn't occur on	14	something like that.
15	February 1st.	15	Q. Were all the students in the high
16	Q. It did not?	16	school at some point given the presentation?
17	A. It did not occur on February 1st.	17	A. I don't think it was all of them.
18	Q. Was the event cancelled?	18	I think it was it might have been ninth,
19	A. Correct. It was rescheduled.	19	tenth, eleventh grade students. I don't recall
20	Q. Rescheduled. And when did Marcia	20	all the specifics.
21	McEvoy come back to Howell?	21	Q. Do you recall what grade Daniel
22	A. It's a couple weeks or a month	22	Glowacki was in in 2010 and 2011, that school
23	later.	23	year?
24	Q. And what was the discussion that	24	A. It must have been eleventh grade.
25	Marcia McEvoy had when she came back?	25	Q. Was he given the presentation by
	Page 74		Page 76
1	A. Just ways for ways to help	1	Dr. McEvoy?
2	prevent bullying, to address bullying.	2	A. I don't know. I assume so, but I
3	Q. And what exactly was it that she	3	don't know if he was present when it occurred
	was discussing when she was talking about	4	or not.
I .	bullying? Was it bullying certain groups of	5	Q. Did you attend the presentation or
1	students?	6	presentations?
7	A. No, just bullying, period.	7	A. Which one?
8	Q. And I'm wondering, why was this	8	Q. The one the presentation or
1	presentation given after October 20th of 2010?	9	presentations with the students.
10	A. Just her schedule.	10	A. I was in some of the student
11	Q. So it was always planned? A. Yeah, that was part of the part	11	presentations.
12	, 1	12 13	Q. Were you in the presentation where
	of the package is my understanding. My understanding, this was decided on I believe	14	Daniel Glowacki was present? A. I don't know if he was there or
ł	it was decided on. Back then, we just couldn't	15	not. I couldn't I don't recall.
	get her in until January. Because she came in	16	Q. Have you gone through the
	with students in January, but that was the	17	different literature by Dr. McEvoy?
1	quickest we could get her in, I believe.	18	A. Uh-huh.
19	Q. Did she give a presentation two	19	Q. Are you aware that she says she
1	times that winter in 2011 to students?	20	brings up different examples of things to bring
21	A. To parents?	21	up with students?
22	Q. To students and the community	22	A. Uh-huh.
	Or	23	Q. Like calling another person gay?
24	A. She was there for multiple days	24	A. Uh-huh.
25	for students.	25	Q. Would this be a sample situation